

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

LISA SHIVERS,

Plaintiff,

vs.

CITY OF UNIVERSITY CITY, et al.,

Defendants.

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Case No. 4:09CV630 SNLJ

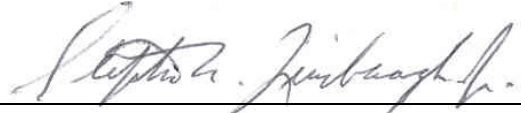
MEMORANDUM AND ORDER

This matter is before the Court on plaintiff's Motion for Leave to Amend Second Amended Complaint (#42), filed February 8, 2010. Specifically, plaintiff seeks leave to amend his second amended complaint pursuant to this Court's Order (#40) on defendants' motions to dismiss, which stated that "plaintiff shall make the allegations in Count II more definite with respect to use of the term "Defendant."

Plaintiff has attached the Third Amended Complaint with his motion, and has remedied the defect in Count II by replacing the term "Defendant" with "Defendants" throughout. However, plaintiff has also modified Count V, now labeled Count IV, to assert a cause of action for negligent hiring against all individual defendants, where previously Count V was brought only against the City of University City and University City Police Department. This amendment is outside the scope of this Court's Order, and defendants rightfully oppose the Third Amended Complaint, insofar as it attempts to add the individual defendants as parties to Count IV. Actions for negligent hiring are to be brought solely against employers, not individual employees or supervisors. *Reed v. Kelly*, 37 S.W.3d 274, 277-278 (Mo.App. E.D. 2000).

Accordingly, plaintiff's Motion for Leave to Amend is denied except for the proposed amendment as to Count II.

So ordered this 10th day of February, 2010.

A handwritten signature in dark ink, appearing to read "Stephen J. Finkbeiner", is written over a horizontal line.

UNITED STATES DISTRICT JUDGE